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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,433	12/20/2001	Ronald D. Blum	10551/252	5203
23838	7590	08/03/2004	EXAMINER	
KENYON & KENYON			CHIN, RANDALL E	
1500 K STREET, N.W., SUITE 700			ART UNIT	
WASHINGTON, DC 20005			PAPER NUMBER	

1744

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/022,433	Applicant(s) BLUM ET AL.	
	Examiner Randall Chin	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,9,11,12,16-28 and 31-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8,10,13-15,29 and 30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05302002</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Claims 4, 7, 9, 11, 12, 16-28 and 31-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed 14 July 2004.
2. Applicant's election of the species of Figs. 32A and 32B, claims 1-3, 5, 6, 8, 10, 13-15, 29 and 30 in the reply filed on 14 July 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

3. The information disclosure statement filed May 30, 2002 partly fails to comply with 37 CFR 1.98(a)(2), which requires a **legible copy of each foreign patent**; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Pages 3 and 4 have been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama '339.

With respect to claim 10, the patent to Maruyama '339 discloses a floor mat structure, comprising piles 3 (Figs. 2, 3 and 4) which have two adjoining sloping surfaces forming an apex which could clearly direct water coming in contact therewith downward. It should be noted that Maruyama's device could serve as a "support" structure and could also be a "drainage" structure.

As for claim 13, ridges 2 can serve as "transverse members" which could support a mat placed thereon, if so desired.

As for claim 14, tread bars 4 (Figs. 2 and 3) define "walls" arranged on "sides" (although not positively recited) of said two adjoining sloping surfaces.

6. Claims 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell '830.

With respect to claim 10, the patent to Bell '830 discloses a floor mat structure, comprising sections 2 (Figs. 1, 2 and 3) which have two adjoining sloping surfaces forming an apex 4 which could clearly direct water coming in contact therewith downward. It should be noted that Bell's device could serve as a "support" structure, if so desired, and is also a "drainage" structure.

As for claim 15, the open cavity in the center of the mat base 1 (Figs. 1, 2 and 3) can serve as a "water retention reservoir" that is arranged on "an edge of at least one of said sloping surfaces."

7. Claims 1-3, 6, 8, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Wessar '510.

With respect to claim 1, the patent to Wessar '510 discloses a foot or floor mat structure, comprising a plurality of sloping shoulders or surfaces c, c forming an apex which could clearly direct or drain water coming in contact therewith downward and support members e, e arranged among the sloping surfaces which could support a mat placed thereon, if so desired.

As for claim 2, box A (Fig. 1) defines walls arranged on "sides" of said plurality of sloping surfaces.

As for claim 3, the interior of the box A defines a water retention reservoir that is considered "arranged on an edge of at least one of said sloping surfaces" in a broader sense.

With respect to claim 6, the upper surfaces of the support members e, e are substantially co-planar (Fig. 2).

As for claim 8, the adjoining ones of the sloping surfaces form an apex (Fig. 2).

As for claim 29, to avoid a repetitive explanation, Wessar '510 teaches all of the recited subject matter already set forth. The support members e, e can also be considered "transverse members" and can support a mat placed thereon.

As for claim 30, the adjoining sloping surfaces are formed in a single piece of material (Fig. 2).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wessar '510 in view of .

Wessar '510 discloses all of the recited subject matter as previously set forth with the exception of the walls being beveled. The patent to Nickle '762 teaches a peripheral rib 4 that is also a beveled wall. It would have been obvious to one of ordinary skill in the art to have modified Wessar's wall such that it is beveled to further aid in drainage of fluids or water coming in contact therewith.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Roberts, Stubner, Mayall, New, Cooley, Neefus, Skowronski, Peterson, Barton, and Reardon are relevant to various floor mat structures having sloping surfaces.

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11. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744